

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NUMBER: 06-20185

HONORABLE VICTORIA A. ROBERTS

v.

**ROY CHRISTOPHER WEST,
MARCUS LAMONT FREEMAN,
ALVINO DEWIGHT CORNELIUS,**

Defendant(s).

**ORDER DENYING DEFENDANTS'
MOTION FOR WITNESS LIST**

This matter is before the Court on Alvino Cornelius' "Motion for Witness List" (Roy West and Marcus Freeman join) (Doc. #361). Defendants say they need a list of the Government's witnesses at least 60 days before trial so they can (a) effectively prepare for cross-examination and impeachment of the Government's witnesses; and (b) subpoena witnesses who can rebut their testimony or impeach their credibility.

"A defendant in a non-capital case . . . is not entitled to know in advance of trial who will testify for the government." *United States v. Turner*, 2004 WL 540471 at **2 (6th Cir. March 17, 2004) (citing *United States v. McCullah*, 745 F.2d 350, 353 (6th Cir. 1984)); see also *United States v. McCullah*, 745 F.2d 350, 353 (6th Cir. 1984) ("This court . . . has firmly established that defense counsel is not entitled to know in advance of trial who will testify for the government") (citation omitted); *United States v. Dark*, 597 F.2d 1097, 1099 (6th Cir. 1979) ("defense counsel was not entitled to know, in advance

of trial, who was going to testify for the government”) (citing *United States v. Conder*, 423 F.2d 904, 910 (1970)).

While the Court may order the Government to provide Defendants a list of witnesses, *See United States v. Kendricks*, 623 F.2d 1165, 1168 (6th Cir. 1980), it declines to do so. This is not a death-penalty case nor does this case present circumstances so unusual as to warrant a list of the Government's witnesses.

Defendants' motion is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: November 13, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 13, 2009.

s/Carol A. Pinegar

Deputy Clerk